

bling deaf persons and those suffering from impaired hearing to hear normally, whereas the device was not effective for such purposes.

DISPOSITION: March 17, 1954. Default decree of condemnation and destruction.

4359. Misbranding of Miracle hearing aid. U. S. v. 39 Devices * * *. (F. D. C. No. 35369. Sample No. 59523-L.)

LABEL FILED: July 31, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: The devices were shipped on or about April 6, 1953, or on other dates unknown, by the Miracle Hearing Aid Co., from Newark, N. J., to Miami, Fla., consigned to A. E. Komes, and were thereafter reshipped by A. E. Komes from Miami, Fla., to Aurora, Ill.

PRODUCT: 39 devices called the *Miracle hearing aid* at Aurora, Ill. The device consisted of a piece of wire, twisted into the shape of a miniature tuning fork, and rubber discs with perforated centers into which the wire was to be inserted.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "Sensational, New Miracle Hearing Aid" were false and misleading. The statements represented and suggested that the device provided an adequate and effective aid to auditory acuity of deaf persons, whereas the device did not provide an adequate and effective aid to the auditory acuity of deaf persons. The device was misbranded when introduced into and while in interstate commerce and while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1953. Default decree of condemnation. The court ordered that the devices be turned over to the Food and Drug Administration.

DRUG FOR VETERINARY USE

4360. Misbranding of udder ointment. U. S. v. 9 Cases * * *. (F. D. C. No. 36064. Sample No. 83262-L.)

LABEL FILED: October 28, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 17, 1953, by the Peerless Serum Co., from Kansas City, Mo.

PRODUCT: 9 cases, each containing 12 jars, of udder ointment at Chicago, Ill.

LABEL, IN PART: (Jar) "Udder Ointment 1 lb. net wt. Contains: Phenol, Methyl Salicylate, Oil Eucalyptus, Turpentine, Lanolin, Petrolatum, Biebrich Scarlet * * * Dosage For local application of non-tubercular inflammations of the udder of both cows and mares."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the jar label, contained statements which represented and suggested that the article was an adequate and effective treatment for mastitis of cows and mares, which statements were false and misleading since the article was not an adequate and effective treatment for such conditions.

DISPOSITION: February 9, 1954. Default decree of condemnation and destruction.